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on JANUARY 18, 2006
David Edwards
David Edwards, Reg. No. 27,293

1/18/06
Date of Signature

DKT 4935
Modi Case 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of:

Jashawant J. Modi)	
)	
Serial No.: 08/992,150)	Examiner: E. J. Webman
)	
Filed: December 17, 1997)	Art Unit: 1615
)	
For: Hydrophobically Modified Polysaccharide)	
In Household Preparations)	
)	

Honorable Assistant Commissioner For Patents
Washington, D.C. 20231

Sir:

RESPONSE

In response to the Official Action dated August 19, 2005, reconsideration and withdrawal of the rejections are respectfully requested.

The rejection of claims 1-7 and 11-14 under 35 USC 103(a) as being unpatentable over Urfer et al in view of Landoll is traversed. Applicant's invention is directed to a household care product composition of a vehicle system comprising a hydrophobically modified non-ionic water-soluble or water-swellaable polysaccharide polymer and at least one other active household care ingredient. Urfer et al does not disclose applicant's invention. Urfer et al discloses a substantially builder-free fine fabric detergent composition containing a surfactant mixture of a glycoside surfactant and an antistatic amine oxide surfactant. The Examiner refers to column 5, line 25, where Urfer discloses that an optional ingredient may be a viscosifying agent. This mention of a viscosifying agent is an empty statement because no where else in the reference mentions a viscosifying agent, not even in the working Examples. The

Examiner then relies on Landoll as a secondary reference to define the viscosifying agent as a hydrophobically modified cellulose ether to read on applicant's invention. There simply is no support for making this combination of references rejection. There must be some obvious reason, teaching, or linking reference for making an obvious combination rejection. It must be reiterated, there simply is no basis for making this combination of references.

Although Urfer does disclose a household care product of a detergent, it does not disclose a detergent; Urfer does not disclose a detergent that uses a hydrophobically modified cellulose ether viscosifying agent. Urfer discloses a detergent for fine fabric materials such as nylon, polyester, wool, and silk. Urfer suggests that his detergent is used under mild conditions such as by hand or under gentle cycle of a machine. Urfer suggests that his composition can be composed of only the two surfactants disclosed, glycoside surfactant and an amine oxide surfactant. The empty disclosure of a viscosifying agent mentioned in column 5 makes it optional and does not define it further, not even by an arm chair type of example. The only enabling disclosure for this invention in the working Examples are the mixture of the two surfactants. It should be remembered that there are many different types of viscosifying agents that can be optionally used in this patent. However, Urfer does not enable a person skilled in the art how to use any viscosifying agent in this invention.

Based on this empty disclosure of a viscosifying agent in Urfer, the Examiner magically came up with the disclosure of Landoll to fill the meaning of a viscosifying agent for Urfer. Contrary to the Examiner's allegations, Landoll does not cure the defects of Urfer et al. Landoll does not disclose the use of associated thickeners in household care products. Landoll, at best, has an enabling disclosure only for shampoos and latex paints based on his working Examples. Landoll in column 9, lines 5-12, has an arm chair disclosure that suggests that the composition of his patent can be used as a stabilizer in emulsion polymerization, as thickeners in cosmetics and latex paints, and as flocculent in mineral processing. It must be reiterated that Landoll does not teach or enable a person having an ordinary skill in the art of how to practice his invention for household care products.

Hence, it would not be obvious to a person having an ordinary skill in the art armed with Urfer and Landoll to practice applicant's invention because Urfer discloses the use of only a combination of surfactants in his detergent and Landoll

only discloses the use of his cellulose ethers in personal care products, not household care products.


The rejection of claims 1-7, 11-14, 16, 18-21, 23-31, and 33 under 35 USC 112, second paragraph, as being indefinite is traversed. The Examiner contends that "household care ingredient" is vague and indefinite. It must be noted that applicant has amended the house care ingredient in the claims to read:

--(b) at least one active household care ingredient selected from the group consisting of cleaning, sanitizing, polishing, pesticide, and toilet preparation products, excluding fabric softeners, wherein the total actives are at least 7 wt. %--

This component of applicant's household care composition is quite clear. Applicant's household care ingredient first of all must be an "active" ingredient and secondly it must be a cleaning, sanitizing, polishing, pesticide, or toilet preparation product. On pages 5 to 7, applicant has provided an exhaustive list of examples that define this term. Moreover, applicant has provided 26 working Examples that are quite sufficient in apprising a person in the art of how to practice applicant's invention. Based on applicant's definition as well as disclosure and working Examples, it is submitted that water cannot be an "active household care ingredient" in this invention, contrary to the Examiner's contention.

For the reasons set forth above, it is submitted that this application is now in condition for allowance and prompt notification thereof is respectfully requested.

Respectfully submitted,


David Edwards
Reg. No. 27,293

Hercules Incorporated
Intellectual Property Section
1313 North Market Street
Wilmington, DE 19894-0001
(302) 594-6974
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